

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

MARCELINO CASTRO,

Plaintiff,

-v-

No. 16-CV-8148-LTS-KHP

GRAHAM WINDHAM,

Defendant.

-----x

ORDER

Pro se Plaintiff Marcelino Castro (“Plaintiff”) filed a complaint asserting a claim under 42 U.S.C. § 1983 (“Section 1983”), alleging that Defendant Graham Windham (“Defendant”) violated his rights by taking his child on a trip outside of the State of New York without his permission. (The “Complaint,” Docket Entry No. 2.) Defendant subsequently moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (“Rule 12(b)(6)”). (Docket Entry No. 13.) On September 19, 2017, Magistrate Judge Katharine H. Parker issued a Report and Recommendation (the “Report”) recommending that the Defendant’s motion be granted and that the Complaint be dismissed in its entirety. No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1) (C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself

that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Parker’s thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Plaintiff’s Complaint is dismissed. The Clerk of Court is directed to enter judgment accordingly and close this case. This Order resolves Docket Entry No. 13.

SO ORDERED.

Dated: New York, New York
October 16, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

Mr. Marcelino Castro a/k/a Marcerlo Castro Martinez
NYS Inmate No. 09638949L
George R. Vierno Center (GRVC)
09-09 Hazen Street
East Elmhurst, NY 11370